

REMARKS

Claims 1-8 are pending in this application after this amendment. Claim 1 is independent. New claim 8 is presented for consideration by the Examiner. No new matter has been added by the addition of new claim 8. Based on the remarks made herein, Applicants respectfully request reconsideration and withdrawal of the outstanding rejections.

In the outstanding Official Action, the Examiner rejected claim 4 under 35 U.S.C. §112, second paragraph. The Examiner further rejected claims 1-3 and 5-7 under 35 U.S.C. §103(a) as being unpatentable over Sasamoto et al. (USP 6,324,374) in view of Hamada (JP 9-292753); and rejected claim 4 under 35 U.S.C. §103(a) as being unpatentable over Sasamoto et al. in view of Hamada and further in view of alleged well known art. Applicants respectfully traverse these rejections.

Claim Rejections – 35 U.S.C. §112, second paragraph

The Examiner maintained his rejection of claim 4 under 35 U.S.C. §112, second paragraph asserting the phrase “image carrier corresponding to the first transfer member comes to between 2.5 mm and 4 mm when the transfer unit is separated from the image carriers,” is unclear. Applicants respectfully traverse this rejection.

The specification describes “rotational angle θ (see Fig. 7) of the transfer unit 5 on the rotary fulcrums 50 is set to obtain a separation of 2.5 ~ 4 mm between a transfer member (transfer roller) 51b adjacent to a transfer member (transfer roller) 51a having an axis which approximately accords with the axis of the rotary fulcrums 50 and a corresponding image carrier 1, as shown in Table 1.” (Specification, Page 18, lines 19-24) Thus, the distance of 2.5 ~ 4 mm described in claim 4 means the distance between the transfer member (transfer roller) 51b and the corresponding image carrier 1.

It may be appreciated by a person having ordinary skill in the art, based on the above disclosure and Fig. 7, that the distance “2.5 ~ 4 mm” of claim 4 means a direct distance from a

center of the first transfer member 51b to a center of the corresponding image carrier 1 excluding a radius of the first transfer member 51b and a radius of the corresponding image carrier 1.

As such, Applicants submit that claim 4 is clear and definite, thereby satisfying the requirements of 35 U.S.C. §112, second paragraph. It is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejections – 35 U.S.C. §103 – Sasamoto/Hamada

In support of the Examiner's rejection of claim 1, the Examiner asserts that Sasamoto discloses all of the elements recited in the claim, except "wherein the transfer unit has a rotary fulcrum in the vicinity of an extension of the axis of a transfer member located on one end portion in the sheet transferring direction so as to be approximately parallel to the axis, and can be rotated on the rotary fulcrum in directions of moving to and from the image carriers, and wherein a distance between any two of the transfer members stays constant during a rotation of the transfer unit." The Examiner relies on the teachings of Hamada to cure the deficiencies of the teachings of Sasamoto, citing to Applicants' specification, particularly to paragraphs [0004]-[0011] of the U.S. Patent Application Publication No. 2004/0062577. The Examiner asserts that it would have been obvious to one skilled in the art to modify the image forming apparatus of Sasamoto to include the teachings of Hamada for the benefit of having a proper image, which is formed by the easy configuration and tuning activity as taught by Hamada, citing to paragraph 22. Applicants respectfully disagree that the teachings of the cited references are sufficient to render claim 1 obvious as the teachings of these cited references are not properly combinable.

The disclosure of Sasamoto is directed to a belt device and unit device including the belt device and an image forming apparatus using the belt device and unit device. As can be seen in Fig. 2, Sasamoto provides for an image forming apparatus that includes a pivot mechanism that temporarily separates the belt formed member from a part of the opposing members for color image formation (Abstract).

In support of the rejection, the Examiner seeks to modify the image forming apparatus of Sasamoto to include the teachings of Hamada. However, it is well known that if suggested combination of references would require a substantial reconstruction and redesign of the elements shown in the primary reference, then the combination would be insufficient to establish *prima facie* obviousness. *In re Ratti*, 270 F.2d 810 at 813, 123 USPQ 349 at 352 (CCPA 1959).

By making the purported modification of the image forming device of Sasamoto, substantial reconstruction and redesign would need to take place. Further, by utilizing the method of displacement of the transportation belt disclosed in Hamada, the Examiner would be removing the switching device which switches, in stages, the opposing members to be separated from the belt. It is well known that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

Further, Sasamoto discloses the image forming apparatus, which is provided with transfer belt 100, photoconductive elements 10B, 10Y, 10M and 10C, and supporting rollers 72-76 and 80. However, even if the image forming apparatus of Sasamoto was provided with a cam 10 of Hamada, the rotation of the cam 10 should not bring the movement of supporting rollers 72-76 and 80 to and from the photoconductive elements 10B, 10Y, 10M and 10C because the **photoconductive elements and the supporting rollers are arranged to pinch the transfer belt 100.**

As such, Applicants respectfully submit that the teachings of the cited references are insufficient to render the pending claims obvious as the proposed combination would require substantive reconstruction and design and would change the principle of operation of the Sasamoto device. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-4 and 6-8 are allowable for the reasons set forth above with regard to claim 1 at least based on their dependency on claim 1. It is further

respectfully submitted that the Examiner relies on a similar combination of the cited references to support the rejection of claim 5. However, for the reasons set forth above with regard to claim 1, the combination of the cited references is improper and thus claim 5 is patentable over the references as cited. It is respectfully requested that the outstanding rejection be withdrawn.

Conclusion

In view of the above remarks, it is believed that claims are allowable.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin Reg. No. 52,327 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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